

OVERSIGHT BOARD RESOLUTION NO.____

**A RESOLUTION OF THE OVERSIGHT BOARD TO THE
SUCCESSOR AGENCY TO THE FORMER COMMUNITY
REDEVELOPMENT AGENCY OF THE CITY OF
MONTEBELLO APPROVING THE TRANSFER OF
CERTAIN GOVERNMENTAL PURPOSE PROPERTIES
(POLICE FACILITY, CITY HALL, AND HENRY ACUNA
PARK) TO THE CITY OF MONTEBELLO**

WHEREAS, the Community Redevelopment Agency of the City of Montebello (“Agency”) was dissolved by way of Assembly Bill (“AB”) 1x26 (as subsequently amended by AB 1484, the “Dissolution Act”) and the California Supreme Court’s decision in *California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231;

WHEREAS, the Dissolution Act created the Montebello Successor Agency (“Successor Agency”) to effectuate the “winding down” of the Agency, and is a separate and independent public entity from the City of Montebello which provides for its governance;

WHEREAS, the Dissolution Act created the Montebello Oversight Board (“Oversight Board”) to oversee, review, and approve certain actions of the Successor Agency to ensure compliance with the purposes and objectives of the Dissolution Act;

WHEREAS, upon dissolution of the Agency, all assets of the Agency were transferred to the Successor Agency for management and disposition in accordance with the purposes and objectives of the Dissolution Act (Health & Safety Code §§ 34173(b), 34175(b));

WHEREAS, the Successor Agency is required to dispose of all real property assets of the former Agency as directed by Oversight Board, provided however, that the Oversight Board may direct the Successor Agency to transfer ownership of “governmental purpose” properties to the appropriate public jurisdiction (Health & Safety Code §§ 34177(e), 34181(a));

WHEREAS, the Dissolution Act defines “governmental purpose” properties as including roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings (Health & Safety Code § 34181(a));

WHEREAS, among the real properties owned by the former Agency and transferred to the control of the Successor Agency are those certain properties identified as Los Angeles County Assessor Parcel Numbers 5294-014-903 and 5294-014-900, located in the City of Montebello, as more those properties are more specifically described and identified in Exhibit “A” attached hereto (hereinafter the “Properties”);

WHEREAS, the Montebello Police Facility, Montebello City Hall, and Henry Acuna Park (“Public Facilities”) are located on the Properties;

WHEREAS, because of the existence of the Public Facilities on the Properties, the Properties qualify as “governmental purpose” properties as defined by the Dissolution Act, and as such qualify for immediate transfer to the appropriate public jurisdiction (Health & Safety Code § 34181(a));

WHEREAS, the City of Montebello is the appropriate public jurisdiction to which the Properties should be transferred, as the Police Facility serves as the headquarters for the Montebello Police Department, City Hall serves as the administrative offices for the City of Montebello, and Henry Acuna Park is a public park that provides open space and recreation to the residents of the City of Montebello;

WHEREAS, immediate transfer of the Properties and the Public Facilities located thereon to the City of Montebello is essential to ensure the uninterrupted provision of governmental services to the residents and business located in the City;

WHEREAS, immediate transfer of the Properties and the Public Facilities located thereon to the City of Montebello furthers the purposes and objectives of the Successor Agency, in that it will conserve staff time and financial resources associated with including the Properties in the Successor Agency’s Long Range Property Management Plan (Health & Safety Code § 34191.5), and will conserve resources of the former Agency for the benefit of the taxing entities by reducing ongoing maintenance costs of the Successor Agency;

WHEREAS, the Successor agency has acknowledged that no payment will be made by the City of the Successor Agency for the benefit of the taxing agencies in consideration of the transfer of the Properties;

WHEREAS, the Properties and appurtenant Public Facilities may be transferred from the Successor Agency to the City, provided the Oversight Board adopts a resolution approving and/or directing the transfer at a public meeting held with ten (10) days advanced notice to the public, and the California State Department of Finance does not thereafter object to the transfer; and

WHEREAS, the Oversight Board has considered the approval of transferring the Properties from the Successor Agency to the City of Montebello at a properly noticed public meeting, and ten (10) days advanced notice of the public meeting has been provided.

NOW THEREFORE, THE MONTEBELLO OVERSIGHT BOARD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. After consideration of staff presentations, reports, discussions, public comments, and other evidence presented, the Oversight Board hereby finds and declares that the foregoing recitals are true and correct and incorporate them herein.

SECTION 2. Based upon staff presentations, reports, discussions, public comments, and other evidence presented, the Oversight Board finds and declares that requirements of Health & Safety Code Section 34181(f) have been satisfied, in that the Oversight Board has held a public meeting to consider the transfer of the Properties from the Successor Agency to the City of Montebello, ten (10) days advanced public notice of said meeting was provide, and members of the public have been given an opportunity to comment on the transfer of the Properties.

SECTION 3. Based upon staff presentations, reports, discussions, public comments, and other evidence presented, the Oversight Board hereby finds and declares that those certain properties, identified as Los Angeles County Assessor Parcel Numbers 5294-014-903 and 5294-014-900, located in the City of Montebello and more specifically described and identified in Exhibit “A” attached hereto incorporated herein by this reference (the “Properties”), constitute “governmental purpose” properties within the meaning of subdivision (a) of Health & Safety Code Section 34181.

SECTION 4. Based upon staff presentations, reports, discussions, public comments, and other evidence presented, the Oversight Board hereby finds and declares that the City of Montebello is the “appropriate public jurisdiction” to which the Properties should be transferred, in that the headquarters of the Montebello Police Department, Montebello City Hall, and Henry Acuna Park are located on the Properties, and the transfer of the Properties to the City of Montebello is essential to ensure the uninterrupted provision of governmental services to the residents and business located in the City.

SECTION 5. Based upon staff presentations, reports, discussions, public comments, and other evidence presented, the Oversight Board hereby finds and declares that the transfer of Properties to the City of Montebello will further the purposes and objectives of the Successor Agency, in that it will conserve staff time and financial resources associated with including the Properties in the Successor Agency’s Long Range Property Management Plan, and will conserve resources of the former Agency for the benefit of the taxing entities by reducing ongoing maintenance costs of the Successor Agency.

SECTION 6. Based upon staff presentations, reports, discussions, public comments, and other evidence presented, and the findings set forth in Sections 1 through 5, inclusive, of this Resolution, the Oversight Board hereby approves and directs the transfer of the Properties from the Successor Agency to the City of Montebello. This Resolution and the actions approved hereby shall be subject to review by the California State Department of Finance pursuant to Health & Safety Code Section 34181(f).

SECTION 7. Successor Agency staff is hereby directed to provide notice of this Resolution to the Department of Finance in compliance with Health & Safety Code Section 34179(h).

SECTION 8. The Clerk of the Oversight Board shall certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

PASSED, APPROVED and ADOPTED this 24th day of July 2013

Richard Bruckner, Chairperson
City of Montebello Oversight Board

ATTEST:

Ivonne Evelyn Umana, Deputy Clerk
County of Los Angeles, Board of Supervisors
Acting as Secretary to the Montebello Oversight Board

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City of Montebello Oversight Board at a special meeting held on the 24th day of July 2013 by the following vote:

AYES: Edgar Cisneros, Megan Anne Moret, Cheryl Plotkin,
Vice Chair Ernesto Hidalgo and Chair Richard Bruckner
NOES: None
ABSENT: None
ABSTAIN: None
VACANT: Mayor from the City of Montebello that formed RDA Appointee
Chancellor of the California Community Colleges Appointee

Ivonne Evelyn Umana, Deputy Clerk
County of Los Angeles, Board of Supervisors
Acting as Secretary to the Montebello Oversight
Board

APPROVED AS TO FORM:

Mark J. Huebsch, Oversight Board Legal Counsel